

**REPORT - PLANNING COMMISSION MEETING**  
**June 23, 2005**

**Project Name and Number:** HENDERSON COURT PROPERTY (PLN2005-00333)

**Applicant:** Alameda County

**Proposal:** To consider a finding of General Plan conformity to provide a basis for the development of Alameda County surplus land, located in the City of Fremont, available for private sale.

**Recommended Action:** Find that the subject property conforms to the Residential—Low Density 5 to 7 dwelling units per acre designation of the Fremont General Plan, based on findings stated in Exhibit “A”.

**Location:** A portion of the County property south of Henderson Court in the Niles Planning Area.

**APN:** 507-0150-006-09

**Area:** Approximately 1.2-acre portion of a 10.2-acre parcel

**Owner:** Alameda County

**Agent of Applicant:** City of Fremont

**Environmental Review:** This project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15312 of the CEQA Guidelines—Surplus Government Property Sales

**Existing General Plan:** None shown on maps

**Existing Zoning:** R-1-6 (H)

**Existing Land Use:** Improved with wooden buildings, a corrugated metal structure, and corrals.

**Public Hearing Notice:** Public hearing notification is applicable. 233 notices were mailed to owners and occupants of property within a minimum radius of 300 feet from the site on the following streets: 2<sup>nd</sup> Street, Essanay Avenue, Essanay Place, Iron Horse Lane, Mission Boulevard, Niles Boulevard, and Vallejo Street. Courtesy notices were also sent to three interested parties. The notices to owners, occupants, and interested parties were mailed on June 10, 2005. A Public Hearing Notice was delivered to The Argus newspaper on June 6, 2005 to be published by June 9, 2005.

**Executive Summary:** Alameda County, which intends to sell surplus land to a private company, has requested that the City of Fremont Planning Commission make a finding of General Plan Conformity for a 1.2-acre portion of the railroad junction parcel located south of Henderson Court adjacent to the Niles Canyon Railway tracks.

**Background and Previous Actions:** Three railroad tracks form a “Y” around a triangular open area on the parcel in question. This parcel is adjacent to the railroad tracks south of the “Mayhews Tract”—a residential area to the East of the “Ford Tract” along Mission Boulevard that was developed in the 1920s. There have been no previous planning applications for this site.

**Project Description:** California’s Government Code Section 65302(a) requires the City of Fremont to designate General Plan land uses for properties within its jurisdiction. On April 28, 2005, Alameda County sent a letter to the City of Fremont indicating that it intends to sell the surplus property to an interested party. If the land ceases to be County-owned, the City has land-use jurisdiction, and must provide a basis for analysis of future land uses on said property. According to the letter from Alameda County, the potential buyer is a private company that desires to develop that portion of the County

property, along with eleven adjacent vacant properties at 37599 through 37703 Mission Boulevard (totaling approximately 2.2 acres without this parcel, and 3.4 acres including this parcel).

The configuration of this parcel at the historic junction of three railroad lines is unique. Typically, individual railroad corridor parcels carry the zoning from either side of the tracks to the centerline of the rails. In this case, the part of the parcel in question that is to be sold is zoned R-1-6 (H). General Plan designations, however, are shown by patterns on the parcels themselves. The Fremont General Plan land use designation of “Residential—5 to 7 dwelling units per acre” has been mapped to the edges of the parcels along Henderson Court. Since this relatively narrow parcel is located between railroad tracks and established residential uses, is zoned R-1-6 (H), and abuts an area consistent with that zoning, staff recommends that a finding be made that a General Plan Land Use Designation of Residential—5 to 7 dwelling units per acre is appropriate for this R-1-6 (H) zoned property.

The Niles Concept Plan is used by the City to guide future development in this vicinity. The concept plan, in the long term, encourages mixed-use office and specific retail uses along Mission Boulevard (Ford and Mayhews Tracts) that do not compete with retail uses in the downtown area (Niles Concept Plan, p. 37). However, the Ford and Mayhews Tracts remain residentially zoned.

The City’s Redevelopment Agency recently commissioned a design charette for the Ford and Mayhews Tracts area to stimulate private investment to further redevelopment goals for the area. During this design charette process, it became clear that office uses would not likely occur in this area based upon current economic conditions. The southern end of the Mayhews Tract, including the Henderson Court area, was also determined to be best suited to low density residential development, while the center portions, opposite Mayhews Drive, were determined to be better suited to medium density residential development along with the possibility of live-work units. While these potential changes to the Concept Plan have not yet been publicly discussed or adopted, they will be considered concurrently at the time a private development proposal is received for the area. In the interim, regardless of the outcome of the amendment to the Concept Plan, a General Plan land use designation, other than *Low Density Residential*, would be out of character for the area at this time.

**Legal Requirement for General Plan designation:** California Government Code Section 65402 establishes requirements for review of public property transactions by local planning agencies. Pursuant to State law, the City of Fremont Planning Commission is required to make a determination regarding General Plan conformity prior to transfers between public agencies and private parties. The law requires the Commission to render its report on General Plan conformity within 40 days of the date the letter was submitted. City staff has informed County staff and they concurred that this matter would be formally considered on the June 23, 2005 Planning Commission Agenda. The public hearing will help assure that adequate public notice is provided upon the conversion of the site from Alameda County ownership to private ownership, and will allow the public an opportunity to provide comments.

#### **General Plan and Zoning Conformance:**

The proposed General Plan land use designation of land on the Henderson Court property as Residential—5 to 7 dwelling units per acre is consistent with the following objective, policy, and implementation measures of the General Plan:

#### **Fundamental Goals of the General Plan:**

**Goal F-6: A UNIFIED CITY WITH THRIVING DISTRICTS AND EMERGING COMMUNITIES, EACH WITH ITS OWN IDENTITY**

*The inclusion of this property into city-regulated land allows for integrated development with the surrounding properties.*

**Goal F-8: A DIVERSITY OF RESIDENTIAL, RECREATIONAL, CULTURAL, EMPLOYMENT AND SHOPPING OPPORTUNITIES**

*Housing is an important component in the mix of uses in Fremont.*

## **Land Use Goals of the General Plan:**

### **L.U. Goal 1: NEW HOUSING DEVELOPMENT WHILE CONSERVING THE CHARACTER OF THE CITY'S EXISTING SINGLE-FAMILY RESIDENTIAL NEIGHBORHOODS**

*The finding that this property is in the same General Plan designation as nearby properties is compatible with the existing residential neighborhoods to the north and sufficiently buffered from uses across the railroad tracks.*

The proposed General Plan land use designation as Residential—5 to 7 dwelling units per acre is consistent with the zoning for the property. Any future development of the parcel would need to be in conformance with the R-1-6 (H) zoning regulations.

**Environmental Analysis:** This project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15312 of the CEQA Guidelines—Surplus Government Property Sales. At the time a development proposal is received, the City will conduct a detailed environmental analysis of the site and proposal.

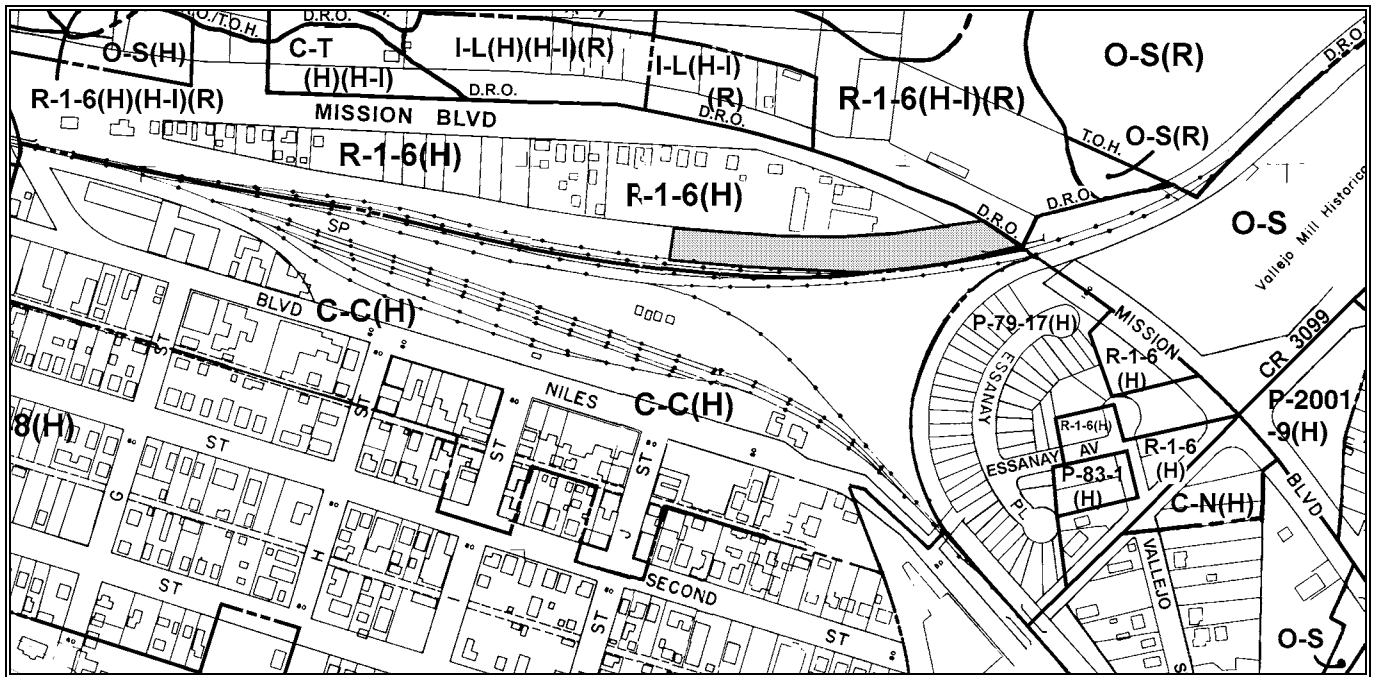
**Enclosures:** Locational Map

**Exhibits:** Exhibit "A" (Findings)

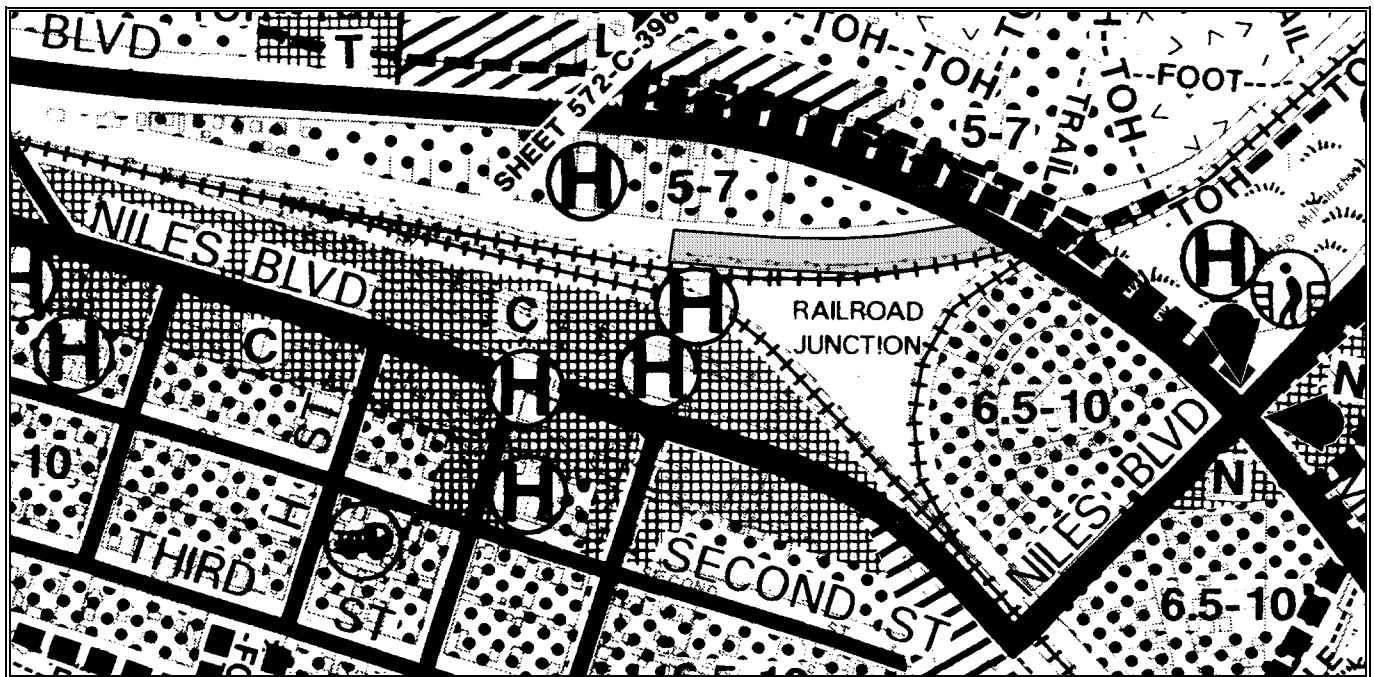
### **Recommended Actions:**

1. Hold public hearing.
2. Find that PLN2005-00333 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies in the General Plan's Fundamental Goals Chapter set forth in this report
3. Find that the proposed surplus 1.2+ acre portion of APN 507-0150-006-09 is designated Low Density Residential (5-7 units/acre).

Existing Zoning  
Shaded Area represents the Project Site



Existing General Plan



**Exhibit "A"**  
**Findings (PLN2005-00333)**  
**HENDERSON COURT PROPERTY**

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